

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, INC., et al.,

Plaintiff,

v.

YONG, et al.,

Defendants.

CASE NO. C21-170-RSM

ORDER GRANTING PLAINTIFFS'
EX PARTE MOTION FOR LEAVE
TO FILE FIRST AMENDED
COMPLAINT

I. INTRODUCTION

This matter comes before the Court on Plaintiffs Amazon.com, Inc. ("Amazon") and Salvatore Ferragamo S.p.A. ("Ferragamo") (collectively, "Plaintiffs")'s Motion for Leave to File Amended Complaint. Dkt. #23. Defendants have not yet appeared in this matter. For the reasons set forth below, the Court GRANTS Plaintiffs' motion.

II. BACKGROUND

On February 11, 2021, Plaintiffs filed this action and related action C21-171, alleging trademark infringement, false designation of origin, and false advertising under the Lanham Act and the Washington Consumer Protection Act related to Defendants' unlawful sale of counterfeit

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Ferragamo belts without authorization on Amazon.com. Dkt. #1. On April 2, 2021, the Court granted Plaintiffs' motion to expedite discovery in both actions to uncover the locations of Defendants and serve them. Dkt. #15. On April 29, 2021, the Court granted Plaintiffs' motion to consolidate this case and related action C21-171. Dkt. #17. As of the date of this Order, Defendants have not been served.

III. DISCUSSION

Pursuant to Fed. R. Civ. P. 15(a)(1), a party may amend its pleading once as a matter of course within "21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Here, Defendants have not been served and therefore have not appeared. Given that Plaintiffs moved for leave to amend before service of any responsive pleading or Rule 12 motion, Plaintiffs may amend their pleading once as a matter of course pursuant to Rule 15(a)(1).

IV. CONCLUSION

Having reviewed the relevant briefing and the remainder of the record, the Court hereby finds and ORDERS that Plaintiff's Motion for Leave to File an Amended Complaint, Dkt. #23, is GRANTED. Plaintiffs are directed to file the proposed First Amended Complaint, attached as Exhibit B to the Commerson Declaration, within 14 days from the date of this Order.

DATED this 8th day of November, 2021.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE